

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Akira TSUJI, et al.

Docket No: Q88424

Appln. No.: 10/541,019

Group Art Unit: 1615

Confirmation No.: 4031

Examiner: Jeffrey T PALENIK

Filed: June 28, 2005

For: GASTROINTESTINAL ABSORPTION ENHANCER MEDIATED BY PROTON-
COUPLED TRANSPORTER AND ITS PREPARING METHOD

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98**

MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith, along with a copy of the Japanese Office Action dated May 12, 2010, except for the following: U.S. patents and/or U.S. patent publications; and co-pending non-provisional U.S. applications filed after June 30, 2003.

The present Information Disclosure Statement is being filed after either a Final Office Action, Notice of Allowance, or an action that otherwise closes prosecution in the application (whichever is earlier), but before payment of the Issue Fee, and therefore the fee of \$180.00 under 37 C.F.R. § 1.17(p) is being remitted, and a Statement Under 37 C.F.R. § 1.97(e).

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, English-language Abstracts for JP 09-188617, JP 07-507546, JP

2000-86535 and Arai et al., "An acidic change in the gastric and jejunal juice of chronic pancreatitis patients," Suizo, 11(3), pp. 223-230 (1996) are provided herewith. In addition, English-language translations of the Summary of the 120th meeting of Pharmaceutical Society of Japan, Structure correlation in kinetics of a drug in vivo, (No. 49 report) vol. 4, pp. 51 no. 30 [PD] 12-14 (2000) and T. Hoshi, et al., Basic Properties of Intestinal Transport of Peptides, ESSENTIAL AMINO ACIDS, No. 144, pp. 3-5 (1995) are provided.

It is also noted that JP 7-507546 corresponds to US 5,322,697 and US 5,753,253.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: August 6, 2010

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	10/541,019
Confirmation Number	4031
Filing Date	June 28, 2005
First Named Inventor	Akira TSUJI
Art Unit	1615
Examiner Name	Jeffrey T PALENIK
Attorney Docket Number	Q88424

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

- ☒ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

- ☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

- ☐ That each item of information contained in the Information Disclosure Statement filed concurrently herewith was first cited in any communication from a foreign patent office in a counterpart foreign application, and that the communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of said Information Disclosure Statement. See 37 CFR 1.704(d).

- ☒ Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

- ☒ The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

- ☐ None

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SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Keiko K. Takagi	Date (YYYY-MM-DD)	2010-08-06
Name/Print	Jennifer M. Hayes	Registration Number	40,641

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. 2 Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). 3 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 4 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 5 Applicant is to place a check mark here if English language translation is attached.